

11-DEC-2002 15:46

FROM-leatherwood with fir point

8642402479

T-387

P.001

F-506



LEATHERWOOD WALKER TODD & MANN, P.C.

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DATE: 12/11/02

TO: Missing Parts Unit
U.S. Patent and Trademark Office
Washington, DC 20231

TOTAL NUMBER OF PAGES (including this cover sheet): 29

FROM: Thomas W. Epting

ATTY. DOCKET NO.: 21606.8

RE: Compact Bed Edging Machine
Serial No.: 09/966,477
Filed: September 28, 2001

Following, please find: Resubmission (via Facsimile) of response to Notice to File Missing Parts of Non-Provisional Application, Originally filed under Certificate of Express Mail on November 8, 2001, with exhibits.

Respectfully submitted,

Thomas W. Epting
Attorney for Applicant
Reg. No. 31,757

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Typed or printed name: Barbara H. Ballew

12/11/02
Date

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE REPORT AS SOON AS POSSIBLE TO (864) 552-4512.

FACSIMILE OPERATOR: Barbara H. Ballew

TIME: _____

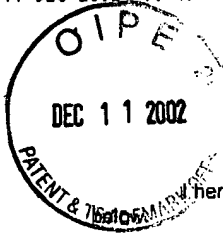
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8642402479

T-387 P.002/029 F-506

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown

Typed or printed name:

Barbara H. Ballew

Date

12/11/02

ATTORNEY DOCKET NO. 21606.8**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Porter, et al.

Serial No.: 09/966,477

Filed: September 28, 2001

For: COMPACT BED EDGING MACHINE

Examiner: Not yet assigned

Group Art Unit: 3671

BOX MISSING PARTS - FEE

Commissioner for Patents

Washington, D.C. 20231

**RESUBMISSION (VIA FACSIMILE) OF RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NON-PROVISIONAL APPLICATION, ORIGINALLY FILED
UNDER CERTIFICATE OF EXPRESS MAIL ON NOVEMBER 8, 2001**

Dear Sir or Madam:

1. A Notice to File Missing Parts of Non-Provisional Application ("Notice") for the above-identified application was mailed on October 29, 2001 by the U.S. Patent and Trademark Office. The Notice (Exhibit 1) required that a signed declaration for the patent application be filed together with a payment of a \$65.00 filing fee.

2. In response to the Notice, Applicant mailed, under a Certificate of Express Mail, a response ("Response") which included a signed declaration for patent

application, a copy of the Notice, a check in the amount of \$65.00, and substitute pages 31 through 41 to be inserted into the application.

3. The Response (Exhibit 2) was filed bearing the Express Mail mailing label number of EL908184375 US, with the "date in" stamped on the Express Mail mailing label "11/9/01" (Exhibit 3).

4. Also submitted with the Response was a Domestic Return Receipt (Exhibit 4), also bearing the Express Mail label number of "EL908184375US". This Domestic Return Receipt was received by the U.S. Patent and Trademark Office Mail Center, as evidenced by the PTO Mail Center's "Received" stamp dated January 7, 2002. As shown in the attached Express Mail label receipt (Exhibit 3), the time of deposit of the Response with the U.S. Postal Service was 16:45 on November 9, 2001.

5. In addition to the Domestic Return Receipt, a return postcard (Exhibit 5) was also submitted with the Response and was returned by the PTO, bearing the stamp of the Office of Initial Patent Examination ("OIPE") noting the correct Express Mail deposit date of November 9, 2001. This return postcard also bears the Express Mail label number of EL908184375US.

6. Further, in the cover letter (Exhibit 6) correspondence for the Response, a statement was provided signed by Barbara Ballew, a legal assistant employed at the undersigned's law firm, indicating that the Response was deposited with the United States Postal Service on November 9, 2001.

7. A check was submitted with the Response, from the undersigned's law firm (Check No. 084468) in the amount of \$65.00 and was deposited by the U.S. Patent

and Trademark Office, and a copy of the cancelled check is submitted herewith as Exhibit 7.

8. Applicant first became aware that there was a problem concerning the Response during a routine audit of Applicant's filed conducted on or about December 2, 2002. At that time, an inquiry was made to the Patent Application Information Retrieval (PAIR) system which failed to reflect receipt by the Patent Office of Applicant's Response. A phone call to Patent Office personnel confirmed that Applicant's Response had not made its way to the file for the above patent application.

9. Accordingly, Applicant hereby respectfully requests that Applicant's Response, which is being resubmitted herewith (Exhibit 2) via this facsimile, be accepted and accorded the November 9, 2001 filing date referenced above.

10. The undersigned hereby states that the copies of the Response and Exhibits hereto, namely, the "Express Mail" mailing label, returned postcard, cancelled check, Domestic Filing Receipt, and transmittal correspondence are true copies of such items originally mailed to the U.S. Patent and Trademark Office via Express Mail on November 9, 2001.

11-DEC-2002 15:48

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T-387 P.005/029 F-506

The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees and to credit said account for any fee overpayments. In the event a Petition is necessary for acceptance of the above identified Response, then such Petition is hereby made, and the foregoing is incorporated as the factual basis for such Petition and for the request for relief.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



Thomas W. Epting, Esquire
Reg. No. 31,757
300 East McBee Avenue, Suite 500
Greenville, SC 29601
(864) 240-2453 (direct dial)
(864) 240-2477 (facsimile)

Dated: December 10, 2002

817393

11-DEC-2002 15:54

FROM:leatherwood 4th flr point

8642402479

T-387 P.027/029 F-506

LEATHERWOOD WALKER TODD & MANN, P.C.

JOHN E. JOHNSTON, JR.
HARVEY G. SANDERS, JR.
DAVID A. QUATTLEBAUM, III
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DURIS K. MCALL, JR.
EARLE G. PREVOST
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H. SPENCER KING
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NATALYA M. MCNEW
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PETER A. RUTLEDGE
PAUL E. HANGLACK
WILLIAM WALTER WILKINS III
WILLIAM J. WATKINS, JR.
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Telephone: (864) 582-4363

COUNSEL:
J.D. TODD, JR.
FLETCHER C. MANN
JAMES H. WATSON
J. BRANTLEY PHILLIPS, JR.
D.S. LEATHERWOOD
1895-1989
WESLEY M. WALKER
1913-1999

November 8, 2001

FILE COPY

BOX MISSING PARTS - FEE
Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/996,477
Title: "Compact Bed Edging Machine"
Attorney Docket No. 21606.8

Dear Sir or Madam:

In response to the *Notice to File Missing Parts of Nonprovisional Application* mailed October 29, 2001, enclosed are the following for filing in the above-referenced application:

1. Response to Notice to File Missing Parts of Nonprovisional Application;
2. A signed Declaration for Patent Application;
3. A copy of the *Notice to File Missing Parts of Nonprovisional Application*;
4. A check in the amount of Sixty-five Dollars (\$65.00) to cover the requisite filing fee; and
5. Substitute pages for pages 31 through 41 of the original patent;

Please direct all communications regarding this submission to the undersigned.

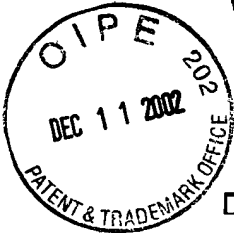
Very truly yours,



Thomas W. Epting
Reg. No. 31,757
Leatherwood Walker Todd & Mann, P.C.

TWE/bhb: 745136
Enclosures

EXHIBIT 6



11-DEC-2002 15:50

FROM-leatherwood with fir point

8642402479

T-387 P.012/029 F-506

the substitution of equivalent features or parts, and the reversal of various features thereof, may be practiced by those of ordinary skill in the art without departing from the spirit or scope of the following claims.

Attorney Docket No. 21606.8
Applicant: Porter, et al.

- 31 -

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file point-0001 000

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T-387 P.008/028

F-508

Express Mail Certificate

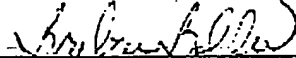
Express Mail label number EL908184375US

Date of Deposit

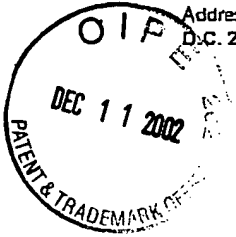
11/9/01

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application:


 Barbara Ballew

Date:

11/9/01

ATTORNEY DOCKET NO. 21606.8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Porter, et al.

Serial No.: 09/966,477

Filed: September 28, 2001

For: COMPACT BED EDGING MACHINE

Examiner: Not yet assigned

Group Art Unit: 3671

BOX MISSING PARTS - FEE
 Commissioner for Patents
 Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
 OF NON-PROVISIONAL APPLICATION

Dear Sir or Madam:

In response to the Notice to File Missing Parts of Non-Provisional Application, submitted herewith is a signed Declaration together with a check for the requisite fee.

Also submitted in response to the Notice are substitute pages 31 through 41 for the application. These substitute pages are submitted to correct a formatting error in the patent application which caused the claims to begin on the last page of the specification. The substitute pages provide the claims commencing on a separate

12/17/2002 NPRASASD 00000006 120760 09966477

01 FC:2051

65.00 CH

EXHIBIT 2

Received from <8642402479> at 12/11/02 3:56:08 PM [Eastern Standard Time]

sheet, namely, page 32 of the application, and such claims continue through page 41, with the abstract commencing on page 42. No new matter has been added.

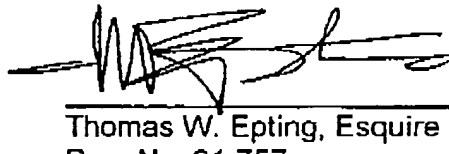
Finally, submitted herewith is a copy of the Notice to File Missing Parts of Non-Provisional Application.

In view of the submission of the foregoing, it is respectfully submitted that the application is now in condition for examination, and such is requested in the due course of Patent Office business.

The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees in order to avoid abandonment of the above application, and the Commissioner is authorized to credit said account for any fee overpayments.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



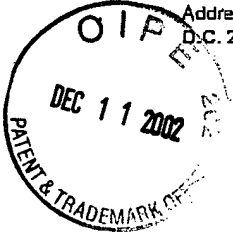
Thomas W. Epting, Esquire
Reg. No. 31,757
100 East Coffee Street
Greenville, SC 29601-2753
(864) 240-2453 (direct dial)
(864) 240-2479 (facsimile)

Dated: November 7, 2001

745504

Express Mail CertificateExpress Mail label number EL908184375US : Date of Deposit 11/9/01

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application: *Barbara Ballew* Date: 11/9/01
Barbara Ballew

ATTORNEY DOCKET NO. 21606.8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Porter, et al.)	Examiner: Not yet assigned
Serial No.: 09/966,477)	
Filed: September 28, 2001)	Group Art Unit: 3671
For: COMPACT BED EDGING MACHINE)	

BOX MISSING PARTS - FEE
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION

Dear Sir or Madam:

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EXHIBIT 2

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The Commissioner is authorized to charge Deposit Account 12-0760 for any necessary fees in order to avoid abandonment of the above application, and the Commissioner is authorized to credit said account for any fee overpayments.

Respectfully submitted,

LEATHERWOOD WALKER TODD & MANN, P.C.



Thomas W. Epting, Esquire
Reg. No. 31,757
100 East Coffee Street
Greenville, SC 29601-2753
(864) 240-2453 (direct dial)
(864) 240-2479 (facsimile)

Dated: November 7, 2001

745504

November 8, 2001

Page 2

Express Mail CertificateExpress Mail label number EL908184375US; Date of Deposit: 11/9/01

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Signature of person mailing application: _____

Barbara Ballew

Date: 11/9/01

EL908184375US

LEATHERWOOD WALKER TODD & MANN, P.C.

Request Number: 597560

Check Date: 11-07-01

Check Number: **NO 084468**

Payee: Commissioner of Patents and Trademarks

Invoice #	Inv. Date	C/L Acct	Client	Matter	Narrative	Amount	Inv. Total
2106	Nov 07/01		10916	21606	VENDOR: Commissioner of Patents and Trademarks; INVOICE#: 2106; DATE: 11/7/01 - (TWE/BH8) Filing fee for missing parts (21606.8)	85.00	85.00
			E-Z Trench Manufacturing Co., Inc.	Intellectual Property Matters			
Invoice Totals:						855.00	855.00

11-DEC-2002 15:54 FROM-leatherwood 4th flr point

8642402479

T-387 P.029/029 F-506

LEATHERWOOD WALKER TODD & MANN, P.C.
ATTORNEYS AT LAW
133 EAST COFFEE STREET
GREENVILLE, SOUTH CAROLINA 29601

LWT&M
LEATHERWOOD WALKER TODD & MANN, P.C.

CAROLINA FIRST
Greenville, SC 29602
87-210533

084468

Nov 07, 2001

DATE

PAY

SIXTY-FIVE AND 00/100 DOLLARS

140415396 01-14-02 7367 0637 14 \$*****65.00
AMOUNT

TO THE
ORDER OF

Commissioner of Patents and Trademarks

210331436 182 4013 4038 09 21

NOT NEGOTIABLE AFTER 90 DAYS

Kathleen M. Rogers

THIS DOCUMENT IS VOID IF ACCOUNT NUMBER DOES NOT APPEAR ON REVERSE SIDE IN RED. THIS DOCUMENT HAS A MICRO PRINTED SIGNATURE LINE.

⑈084468⑈ ⑆053902197⑆1010053489⑈

⑈0000006500⑈

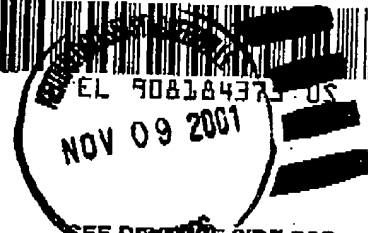


18210000 210331436 210331436 140415396 01-14-02	WKENDE MB MB MB MB	0015084150 01142002 053201885	0075 64077	FOR DEPOSIT ONLY	PATENT AND TRADEMARK OFFICE 12-10-02 01-10-02 FOR CREDIT TO THE U.S. TREASURY
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EXHIBIT 7



EXPRESS MAIL UNITED STATES POSTAL SERVICE®		POST OFFICE TO ADDRESSEE			
ORIGIN (POSTAL USE ONLY)					
PO ZIP Code 96106	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>			
Date (in) 11 9 01	Time (in) 11:45 AM	Postage \$ 12.48	Return Receipt Fee \$ 1.50		
Weight 1.64 lbs	Inc'l Alpha Country Code	COD Fee	Insurance Fee		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	Total Postage & Fees \$ 13.98			
CUSTOMER USE ONLY					
METHOD OF PAYMENT: X293110					
FROM: (PLEASE PRINT) PHONE: _____ LEATHERWOOD WALKER TODD A MANN 100 E COFFEE ST GREENVILLE SC 29601-2753 TWE: 21606.8 E-Z Trench COMPACT BED EDGING MACHINE resp ntc of missing parts					
TO: (PLEASE PRINT) PHONE: _____ BOX MISSING PARTS - FEE Commissioner for Patents Washington DC 20231					
FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com					



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ON INSURANCE COVERAGE

☐ WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekends ☐ Holiday Customer Signature _____

Customer Copy
Label 11-F August 2000

F02
T

397

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BOX MISSING PARTS - FEE
Commissioner for Patents
Washington DC 20231

TWE: 21606.8 E-Z Trench
COMPACT BED EDGING MACHINE
resp ntc of missing parts

2. Article Number **EL908184375US**
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No**RECEIVED**

3. Service Type

☐ Certified Mail☐ Registered☐ Insured Mail☐ Express Mail☐ Return Receipt for Merchandise☐ C.O.D.

4. Restricted Delivery? (Article Only)

☐ Yes

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

EXHIBIT 4

Received from <8642402479> at 12/11/02 3:56:08 PM [Eastern Standard Time]



RECEIVED

JAN 14 2002

The following papers were received in the U.S. Patent and Trademark Office:

Applicant(s): Roger D. Porter and Jerome C. Burroughs

Title of Invention: COMPACT BED EDGING MACHINE

Atty. Docket No. 21606.8

Serial No. 09/966,477

Filed 9/28/01

☐ Specification - No. Of Pages

☐ Amendment

☐ Claims - No. of Claims

☐ Request For Extension
of Time

☐ Drawings - No. of Sheets

☐ Abstract

☒ Declaration and Power
of Attorney

☒ Fees: Enclosed \$65

☐ Assignment with Copy Sheet

☐ Information Disclosure Statement
(Including PTO-1449 and
copies of references)

☐ Issue Fee

☐ Letter to Official Draftsperson

☒ Certificate of Express Mailing

☐ Small Entity Status

☒ Transmittal Letter

☒ Substitute pages 31-42 for
patent

☒ Charge Authorization 12-0760

Attorney: Thomas W. Epting

Date Mailed: 11/9/01

EXHIBIT 5

Effective OCTOBER 1, 2001, Patent Fees will be adjusted. Please note that fee amounts required by the enclosed Notice might reflect the fees due on the date of filing. Any fee paid on or after OCTOBER 1, 2001 is subject to the new FY 2002 fee schedule and must be paid in the new amount.

EXAMPLES OF FEES BEING ADJUSTED
See www.uspto.gov for complete FY 2001
and FY-2002 Fee Schedules

* Indicates
fees remain
at FY 2001
amount

DESCRIPTION	FY 2001	FY 2002
Basic filing fee - Utility	\$710	\$740
Basic filing fee - Utility (Small Entity)	\$355	\$370
Independent claims in excess of three	\$80	\$84
Independent claims in excess of three (Small Entity)	\$40	\$42
Claims in excess of twenty	\$18	\$18*
Claims in excess of twenty (Small Entity)	\$9	\$9*
Multiple dependent claim	\$270	\$280
Multiple dependent claim (Small Entity)	\$135	\$140
Surcharge - Late filing fee	\$130	\$130*
Surcharge - Late filing fee (Small Entity)	\$65	\$65*
Design filing fee	\$320	\$330
Design filing fee (Small Entity)	\$160	\$165
Plant filing fee	\$490	\$510
Plant filing fee (Small Entity)	\$245	\$255
Reissue filing fee	\$710	\$740
Reissue filing fee (Small Entity)	\$355	\$370
Reissue independent claims	\$80	\$84
Reissue independent claims (Small Entity)	\$40	\$42
Reissue claims in excess of twenty	\$18	\$18*
Reissue claims in excess of twenty (Small Entity)	\$9	\$9*
Provisional application filing fee	\$150	160
Provisional application filing fee (Small Entity)	\$75	80
Surcharge - Late provisional filing fee	\$50	\$50*
Surcharge - Late provisional filing fee (Small Entity)	\$25	\$25*
Non-English Specification	\$130	\$130*
Extension - First month	\$110	\$110*
Extension - First month (Small Entity)	\$55	\$55*
Extension - Second month	\$390	\$400
Extension - Second month (Small Entity)	\$195	\$200
Extension - Third month	\$890	\$920
Extension - Third month (Small Entity)	\$445	\$460
Extension - Fourth month	\$1,390	\$1,440
Extension - Fourth month (Small Entity)	\$695	\$720
Extension - Fifth month	\$1,890	\$1,960
Extension - Fifth month (Small Entity)	\$945	\$980
Petition	\$130	\$130*
Processing returned checks	\$50	\$50*

For further fee information, please call
(703-308-HELP)

Rev. 9/18/2001

